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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,567	08/15/2000	Don Brunnett	3123-345	2269

32093 7590 01/21/2004

HANSRA PATENT SERVICES
4525 GLEN MEADOWS PLACE
BELLINGHAM, WA 98226

EXAMINER

DAVIDSON, DAN

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 01/21/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,567

Applicant(s)

BRUNETT ET AL.

Examiner

Dan I Davidson

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6,8-12,14-23,52,53,55-58 and 60-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6,8-12,14-23,52,53,55-58 and 60-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed December 1, 2003 has been received and has been made of record. An Office Action in response to the above amendment follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2-6, 8-12, 14-23, 52-53, 56-58, and 60-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Serrano et al (US 6,429,990 B2).

Serrano et al disclose a method for reducing track misregistration errors in a disk drive (col. 6, lines 11-17), comprising: specifying a write fault of at least a first magnitude (col. 6, lines 12-13; "first threshold"); in response to detecting a write fault (position offset with respect to a track centerline) of at least a first magnitude, preventing a write operation from occurring for at least a first time period (col. 6, lines 13-17; col. 5, lines 58-63); specifying a write fault of at least a second magnitude, wherein the second magnitude is greater than the first magnitude (col. 5, lines 58-63; multiple magnitudes considered when using unlatched logic circuit); and in response to detecting a write fault of at least the second magnitude, preventing a write operation from occurring for at least a second time period, wherein the second time period is greater than the first time

period (col. 5, lines 58-63; multiple periods of time considered when using unlatched logic circuit, all dependent on magnitude). Serrano et al further disclose a hard disk drive comprising a base (Fig. 1, 16); a disk comprising a plurality of data tracks arranged concentrically about a spindle (Fig. 1, 24, 22), wherein each of the data tracks is segmented into a plurality of data sectors by servo sectors (col. 5, lines 13-17), and wherein the disks are rotated at a constant velocity with respect to the base (standard given nothing unexpected); a transducer head having a read head for reading information from the data tracks and a write head for writing information to the data tracks, wherein the transducer head is movable in a radial direction with respect to the disk to address a selected one of the plurality of data tracks (col. 4, lines 21-22; col. 4, lines 30-33); a voice coil motor, interconnected to the transducer head, for moving the transducer head with respect to the data tracks (standard in E block or comb); and a controller, interconnected to the voice coil motor, for controlling a position of the transducer head with respect to the data tracks (Fig. 2, 218). All the limitations drawn to the specifics of the first and second time periods are satisfied based on the disclosure of Serrano et al at col. 5, lines 58-63.

Conclusion

4. Since the Examiner has introduced a new art rejection not necessitated by Applicant's amendment, this Action will not be final.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan I Davidson whose telephone number is (703) 308-


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8535. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth, can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

DID
Dan I Davidson
January 16, 2004


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600